



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Maxine Brown-Roberts, Project Manager
JL Joel Lawson, Associate Director Development Review

DATE: January 19, 2016

SUBJECT: BZA Application 18895A – 1107 Penn Street, NE

I. OFFICE OF PLANNING RECOMMENDATION

The Applicant, James Walker, request an area variance pursuant to § 3103, § 403.1, lot occupancy and § 404.1, rear yard, to construct a landing and stair additions to an existing multifamily building at 1107 Penn Street, NE in the R-4 zone.

The Office of Planning (OP) recommends approval of the following variance relief:

- § 403.1, Lot Occupancy (40% maximum allowed, 55.06% existing, 59.7% proposed);
- § 404.1, Rear Yard (20 feet minimum required, 15 feet existing, 9 feet proposed); and
- § 2001.3, Extending the non-conforming lot occupancy and rear yard.

II. AREA AND SITE DESCRIPTION

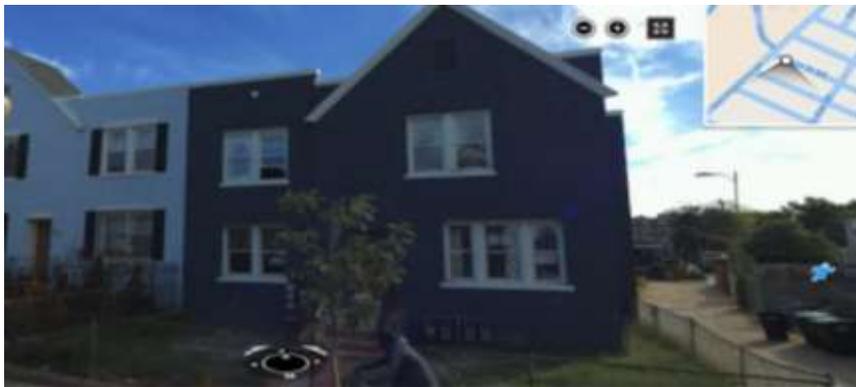
Address:	1107 Penn Street, NE
Legal Description:	Square 800, Lot 4059
Ward/ANC:	5/5D
Lot Characteristics:	The lot is nearly rectangular in shape and measures approximately 2,616 square feet in lot area. It has frontage on Penn Street to the north and abuts 16-foot wide public alleys to the west and south and an apartment building to the east.
Zoning:	R-4: row dwellings (single-family and flats)
Existing Development:	The property is developed with a 4-unit, two-story, apartment building.
Historic District:	The property is not within a historic district.
Adjacent Properties:	The north and east of the site are two-story apartment buildings in the R-4 zone. To the west and south are single family row dwellings, some of which have been converted to apartments in the R-4- zone
Surrounding Neighborhood Character:	The surrounding neighborhood is predominantly two-story, rowhouses many of which have been converted to multifamily residences. The area is to the east of Gallaudet University.



III. IMAGES AND MAPS



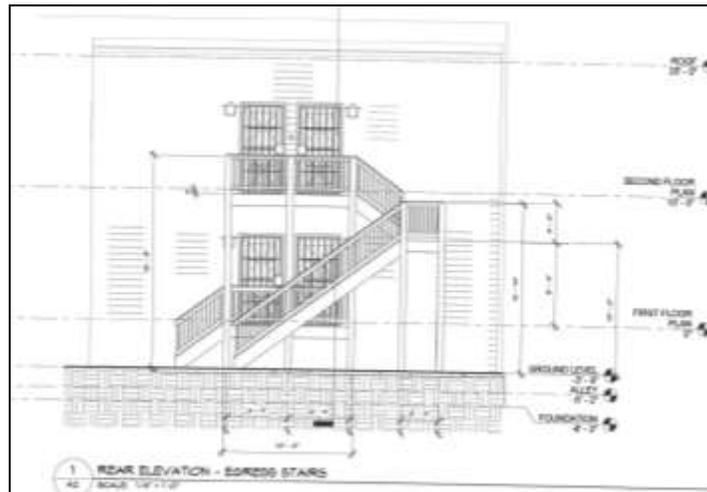
Site Location



Front of Building



Rear of Building



Proposed Landings and Stairs

IV. PROJECT DESCRIPTION

The Applicant proposes to construct landings on the rear of the building to provide egress from each unit on both floors.

ZONING REQUIREMENTS

The following table summarizes zoning requirements for the project and the relief requested.

<i>R-4 Zoning</i>	<i>Requirement</i>	<i>Existing</i>	<i>Proposed</i>	<i>Relief</i>
Lot area (sq. ft.)	900 sf./unit or 3,600 sf.	2,616 sf.	2,616 sf.	Existing non-conformity
Lot width (ft.)	18 ft. min.	36.51 ft.	36.51 ft.	Conforming
Lot occupancy	40% max.	55.06%	59.7%	Relief required
Rear yard (ft.)	20 ft. min.	15 ft.	9 ft.	Relief required

The proposal would involve the construction of a landing and steps to serve each of the units. As a result, the decks would extend into the non-conforming rear yard and would increase the lot occupancy.

Area Variance Relief (§§ 403, 404, & 2001.3)

- **Uniqueness Resulting in a Peculiar and Exceptional Practical Difficulty**

The building has a unique condition due to an exceptional situation, in that the building was constructed as a four unit apartment building prior to 1958 and currently has a lot occupancy and rear yard that is greater than allowed in the R-4 zone.

The stairs which previously provided access to the units have been deemed unsafe and improved rear access for each unit is required. Section 2503 provides: "Stairs leading to the ground from a door located on the story in which the principal entrance of a building is located may occupy any yard required under provisions of this title. The stairs shall include any railing required by the provisions of the D.C. Construction Code." Therefore, the landing and stairs to serve the units on the lower floor are permitted as a matter-of-right. However, the second floor landing and stairs would be included in the lot occupancy and rear yard. To meet both the Building Code requirements and the zoning requirements would require the demolition of a portion of the building which would be a practical difficulty for the Applicant.

- **No Substantial Detriment to the Public Good**

The landings and stairs should not significantly impede light nor air to that property as the railings would be open allowing light and air to pass through. The privacy fence between the two properties should help to minimize views from the ground level landing into adjacent properties, while a large tree on the property line would limit visibility from the upper landings. The proposal should not detract from the character of the alley as there are other multifamily buildings along the alley which have staircases extending to the ground level.

- **Substantial Harm to the Zoning Regulations**

Granting the requested lot occupancy and rear relief would not impair the intent, purpose and integrity of the Zoning Regulations and Map. By limiting the access points to landings and stairs

the Applicant has provided a minimal addition to provide access and meet the Building Code Regulations.

VI. AGENCY COMMENTS

The Department of Transportation (DDOT) will submit its recommendation under separate cover.

VII. ANC COMMENTS

The property is within ANC 5D. The ANC reviewed the proposal and requested relief at its January 12, 2016 meeting and voted to recommend approval.